From: vhavin@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:45pm
Subject: Microsoft Settlement

To Whom It May Concern:
I have a strong feeling that the Sherman Act, proposed long before the software industry was established, and tailored for the traditional business is a wrong vehicle for delivering justice in this particular case. Certain software industry specific merits were completely disregarded by the case originators:
1. Software industry in the US and the entire world is driven by de-facto standards. Large number of leaders (or standard establishing companies) creates obstacles for the industry advancement and in effect harms the consumer. I still remember times when there where dozens of operating systems at the market and mere moving data from one computer to another was therefore a hard problem to solve. This situation simply had to evolve into just a few standard-establishing companies. I personally welcome MS as a leader in software standards since it is employing the most brilliant minds in the software industry today.
2. With all due respect, the software industry can not be ruled by today?s judiciary system. They just live in different dimensions. The modern software development is moving in much faster pace, thus making most judiciary rulings obsolete by the time they gets accepted. See for yourself: software industry in general and Microsoft as a company today are very different from what they where back in 1998 when this all started. That?s why it is so hard to propose remedies in this case. The final remedies are for the wrong cause and for the wrong times.
3. The product bundling term is very different in today?s software that is constantly moving to the component-based architecture. All known operating systems have certain basic components (like Web browser). Sun Solaris, Mac OS and Unix are not exceptions. It?s like blaming a car maker for bundling the engine with a car.
4. In this particular case the complaint came not from consumers and/or consumer advocates, but rather from the losing competition. I don?t think the industry should create the precedent when a less successful company can sue the more successful one for loosing the battle. My personal impression is that Netscape Communications has to blame itself for loosing the browsers war. They were enjoying their easy success for too long while their product quality and feature set was deteriorating compared to the competition.

I am sure that the common interest today is finishing this process and all copycats resulting from it. More than enough taxpayer?s dollars have been already wasted without any sensible effect.

Sincerely,

Victor L. Havin

Software Specialist.

CC: vhavin@hotmail.com@inetgw